

## COMMISSION MEETING MINUTES

January 21, 2014

The Board of Davis County Commissioners met in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah on January 21, 2014. Members present were: Commissioner Louenda H. Downs - Chair, Commissioner P. Bret Millburn, Commissioner John Petroff, Jr., Clerk/Auditor Chief Deputy Audit/Finance Curtis Koch, Chief Deputy Civil County Attorney Bill McGuire, and Deputy Clerk/Auditor Janet Hanson.

Jeff Oyler, Davis County Planning Department, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Commissioner Petroff introduced Gary Hatch, Director of the Mosquito Abatement District – Davis. Commissioner Petroff has been serving on the Mosquito Abatement Board for the past five years. He indicated Gary Hatch is one of the most respected Mosquito Abatement directors in the United States. Mr. Hatch presented information regarding the cause of the death of bald eagles (50) due to West Nile Virus (WNV). The Mosquito Abatement District worked with the National Veterinary Lab, where testing confirmed the eagles were infected with WNV by scavenging off of dead eared grebes (a migratory aquatic bird) at the Great Salt Lake. The eagles fed off the grebes due to the late-November freeze which made fish unavailable in the area. It is speculated the grebes contracted the WNV somewhere along their migratory route. They will continue working with the National Veterinary Lab, Center for Disease Control, National Fish & Wildlife, State Fish & Game, State Health Department and Davis County Health Department on the many scenarios of the situation in order for them to be proactive in fighting against any more possible virus exposure in the area.

Mr. Hatch provided the following 2013 highlights of the Mosquito Abatement District:

- ▶ Mosquito Larvae Acres Treated –
  - Aerial - 4,939
  - Ground - 1,057
- ▶ Mosquito Adult Acres Treated
  - Aerial - 179,200
  - Ground - 395,429
- ▶ Catch Basin Treatment
  - Miles - 4,858
  - Treated - 58,356
- ▶ Fish Ponds
  - Ponds 1,201
  - Treated 2,266
- ▶ Surveillance
  - Mosquito Pools Tested - 1925
    - Culex tarsalis - 944
    - Culex pipiens - 981
  - Adult Mosquitoes Tested - 159,058
    - Culex tarsalis - 75,301
    - Culex pipiens - 83,757
- ▶ Chicken Testing
  - 11 Flocks - 55 Birds
  - 440 Test Samples —2 Sero-Conversion Positive
    - West Point Flock
- ▶ Bee Study:
  - An employee of the Mosquito Abatement District who is working on his master's degree did a study of 5 beehives on Antelope Island to determine if the mosquito abatement spray or residual spray had an effect on the bees. All tests indicated the spray did not have an impact.

Commissioner Petroff mentioned the County has contracted with a beekeeper. The study is beneficial to know the spray does not affect the bees; otherwise, the Mosquito Abatement District would need

to stop spraying. The commissioners thanked Mr. Hatch for his informative presentation and commended him on his expertise and all the service he and his staff provide behind the scenes.

Commissioner Downs commented on her announcement from last week in which she indicated she will not be running for office next year. She made assurances she will continue to work hard and continue to contribute this coming year.

Neka Roundy, Davis County Community & Economic Development Specialist, presented agreement #2014-15 with The Nature Conservancy for their worldwide GIS programmer and expert birder Tim Boucher to be the keynote speaker at the Great Salt Lake Bird Festival scheduled for May 17, 2014. He will also guide fieldtrips to Antelope Island and Farmington Bay and offer a workshop on Learning Bird Calls. His keynote address will be "Birding in West Africa-Ghana & Cameroon." The cost to Davis County will be providing Mr. Boucher's lodging, local transportation and food. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor. Upon the approval, Neka made a press release available.

Jeff Oyler, Davis County Planning Department, presented the following:

Request for final approval for the Hunt Subdivision (one lot) #2014-16 with road dedication (as a public thoroughfare) and easements located at 2505 N 5500 W, Hooper. Appropriate approvals from the Davis County Planning Commission, Hooper Water and the Davis County Health Department (septic tank) have been received. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Request for improvement agreement and grant of lien #2014-17 for postponement of sidewalk, curb and gutter for Lot 1, Hunt Subdivision in Hooper. Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Chief Deputy Kevin Fielding, Davis County Sheriff's Office, presented the following:

Agreement #2014-18 with Prism Systems Corp to upgrade the jail touch screen security system. It is a payable in the amount of \$98,660.00. Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2014-19 with Prism Systems Corp for the maintenance of the jail touch screen security system. It is a payable in the amount of \$28,800.00 for the time period of January 1, 2014 through December 31, 2014. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Kirk Schmalz, Davis County Public Works Director, presented the following:

Permit agreement #2014-20 with Utah Transit Authority (UTA) to install a storm water pipeline crossing under the DNRG trail at mile post 756.5 in Centerville. There is a cost of \$2,215.88 for permit fees. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2014-21 to partner with Farmington City for the Kestrel Bay property storm drainage (Steed Creek) improvements. Public Works will provide labor and equipment. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor

Dave Hansen, Davis County Legacy Events Center Director, presented the following:

Agreement #2014-22 with The Great Bear Show as the 2014 Davis County Fair attraction. They will provide 5 black bears for all day viewing during the Fair, with 3 educational shows daily. The Great Bear Show is licensed with the USDA. The cost is \$8,000.00 for the time period of August 13-16, 2014. Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2014-23 with StateFire to monitor and inspect fire alarm and suppression systems. It is a consolidation of services for better efficiency. It is a payable per service as listed in the agreement. Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Marshall Scott asked for the agreement with Siemens Industry to be tabled until next week due to a necessary correction within the document. Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All vote aye.

Commissioner Downs presented, upon recommendations, the appointment of Andy Thompson to represent Davis County as Proxy at the Hights Creek Irrigation Shareholder's Meeting February 22, 2014 to vote Davis County's 698 shares. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye.

Commissioner Millburn made a motion to convene as the Board of Equalization. Commissioner Petroff seconded the motion.

Dale Peterson, Davis County Tax Administration Director, presented the Property Tax Register which reflected: 5 appeals for approval; 3 appeals for denial; 9 corrections and adjustments. Also included is a list of Personal Property valued under \$4,000.00 which is tax exempt by statute. Commissioner Millburn made a motion to approve. Commissioner Petroff seconded the motion. All voted aye.

Commissioner Millburn made a motion to reconvene Commission Meeting. Commissioner Petroff seconded the motion. All voted aye.

Check registers as prepared by the Davis County Clerk/Auditor's Office were approved by a motion by Commissioner Millburn. Commissioner Petroff seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

No Commission Comments

Public Comment:

Lorna Rosenstein, Waterwatch of Utah, indicated the last page attached to the letter she will be reading is a document submitted to the Davis County Attorney and stamped into record on January 3, 2014. She read the following letter into record:

# Waterwatch of Utah.

Doing our best to keep the information flowing

RECEIVED  
JAN 21 2014

January 21, 2014

Davis County Commissioners

BOARD OF DAVIS  
COUNTY COMMISSIONERS

RE: Utah Code 19-4-111 (8)-(14) (2013) [HB72] and non-compliance in Davis County

In a due diligence effort to determine complete compliance with existing law, March 6, 2009 the Davis County Attorney's office asked chemical suppliers of fluoride a series of questions. There was no response. He forwarded the questions to the Director of the State Department of Environmental Quality asking her to pose the same questions. Again, there was no response. Following the report that suppliers of 'fluoride' had been unresponsive to questions posed by either the Davis County Attorney or the State DEQ, on October 6, 2009, the Davis County Commissioners asked for a legal opinion. February 22, 2011, Attorney Troy Rawlings gave his legal opinion in which he expressed concern that repeated attempts to verify compliance with state law had been ignored. The Davis County Health Department Director, Mr. Lewis Garrett opined that he was completely confident in the chemical supplier's repeated verbal assurances that they were. Still, no confirming documents were produced.

As the Health Department did not demand either transparency or proof of compliance to merit the certification requirements State law demands, the only solution was to enact legislation.

HB72, The Safe Drinking Water Disclosure Act is nothing more than a transparency bill. It requires fluoride suppliers/manufacturers/repackagers/distributors to supply "copies of the original, dated documents used to obtain and maintain NSF/ANSI Standard 60 certification". That certification has always been required in State law. HB72 allowed for citizens to review the batch-specific Certificates of Compliance provided when the fluoride was delivered to the water agencies.

In the spring and summer of 2012, Mr. Lewis Garrett met with legislators, chemical suppliers, the Division of Drinking Water Director, Ken Bousfield and others regarding the proposed Safe Drinking Water Disclosure Act. Documents obtained through GRAMA requests reveal the combined efforts that were being made to prevent this law from ever being enacted. Nevertheless, the bill was filed. HB72 passed with a majority of both the House and the Senate in favor of the bill. The very day the legislation was sent to be enrolled, the Chemical company sent an email to the Governors legislative counsel requesting a veto. I'm paraphrasing...if we have to tell you what's in it, we won't sell it to Utah. Thankfully, it wasn't vetoed.

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April 1, 2013, HB72 was signed into law with the amendment that compliance is required not on April 1<sup>st</sup> but rather by July 1, 2013. So although these companies have been supplying fluoride in Davis and Salt Lake Counties since 2002 and these certifications have always been required by Utah law, the amendment made by the Division of Drinking Water allowed chemical companies several additional months to comply.

It was not until we submitted GRAMA requests in early December of 2013 did Mr. Garrett make any attempt to enforce any part of this law. Since sending the letter dated January 3<sup>rd</sup> 2014, the Division of Drinking Water responded to one of three GRAMA requests, all relating to fluoride activities since July, 2013. The Davis County Health Department sent some fragmented documents that clearly did not reflect the requirements of Utah Code 19-4-111 (8)-(14) (2013) [HB72]. After being directed by the Health Department to do so, North Salt Lake finally supplied one document for one delivery of acid while other water agencies in Davis County still have not responded to GRAMA requests. And sometime from December to January, Mr. Garrett issued an immediate cease and desist order for water agencies in Davis County using the dry powder fluoride.

Finally, it has come to my attention that following the GRAMA requests in December and the formal complaint in January, Mr. Garrett has met with legislators, the Division of Drinking Water and most likely the chemical company with the specific intention of amending Utah Code 19-4-111,(8)-(14) - HB72- in this upcoming legislative session. The proposed amendments appear to enable chemical companies supplying fluoride additives to more easily remain in non-compliance and avoid full disclosure, which seems to have been most everyone's intent from the onset.

As the will of the people clearly favors complete transparency, we would respectfully request the Davis County Commissioners to support immediate enforcement of Utah Code 19-4-111, (8)-(14) (2013) [HB72] as currently enacted.

Respectfully,



Lorna B. Rosenstein

Ms. Rosenstein posed this question: On whose authority does Mr. Garrett refuse to comply with this law and to aid and abet the chemical companies in their effort to avoid transparency? Commissioner Millburn expressed that her question was a "pretty strong statement." He appreciates her passion and concern on the issue. He will review the document provided and engage in dialog and conversation. He is somewhat troubled by some of the verbiage used and the assertion these things are taking place; i.e. statements like "most likely the chemical company with the specific intention." He asked if she had proof. She felt she could obtain that information by requiring a GRAMA request of the meeting. He asked if there were proposed amendments. He

wants actual facts. Ms. Rosenstein recalled this bill was drafted as a complete transparency bill which received approval of both House and Senate, noting it is not requiring anything not already required in law, just proof they had it. She asked, “What’s the point of an amendment?” Commissioner Millburn said he’s not aware of an amendment, nor has he seen the language. He asked if Ms. Rosenstein had seen the language. She has not. She is hoping to forestall language, because she thinks it would be troublesome legislation to try to open it back up. She indicated she was involved in the crafting of the language last year. Commission Millburn stated, “Davis County, and whoever else, should operate under complete transparency.” Commissioner Downs indicated, as a course of conducting County business, when information is brought to their attention (as Commission Millburn indicated) they will look very carefully into this matter. She appreciated the concerns brought forward. Ms. Rosenstein said she appreciated how, in 2009, the Commission wanted this looked into more carefully. Commissioner Downs confirmed the County Attorney has been involved in this matter and she knew Commissioner Millburn has worked with the Health Department. She felt we had to be careful to not assume some things.

Meeting adjourned.

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Clerk/Auditor

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Chair